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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA, et al.,

Plaintiffs,

v.

WILLIAMS TREE SERVICE, INC., a
California Corporation, et al.,

Defendants.

Case No.: 3:22-cv-05479 LB

**REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE;
ORDER THEREON**

Date: July 13, 2023
Time: 9:30 a.m.
Location: Zoom
Judge: Hon. Laurel Beeler

Plaintiffs hereby respectfully request that the Case Management Conference, currently on calendar for July 13, 2023, be continued for approximately sixty (60) days. Good cause exists for the granting of the continuance, as follows:

1. Plaintiffs filed this action against Defendants William Tree Service, Inc., a California Corporation, Dennis Charles Williams, an Individual, and Adam Williams, an Individual on September 26, 2022 for: failure to comply with an audit of their payroll records; failure to report and pay contributions, liquidated damages, and interest for the months of August 2017 through December 2019 and February 2020 through August 2022; and failure to satisfy a prior Default Judgment entered in Plaintiffs' favor by Judge Phyllis J. Hamilton of the Northern District of California, Case No. 14-cv-1123-PHJ. (Dkt. No. 1.) The Court issued the Summons on September 27, 2022. (Dkt. No. 7.) Based on

1 the Complaint being filed on September 26, 2022, the deadline to serve Defendants with the Summons
2 and Complaint was December 27, 2022.

3 2. Plaintiffs personally served Defendant William Tree Service, Inc., and Dennis Charles
4 Williams on December 14, 2022. Plaintiffs filed the Proofs of Service of Summons with the Court for
5 Defendants William Tree Service, Inc., and Dennis Charles Williams on December 30, 2022. (Dkt. No.
6 12.)

7 3. On February 10, 2023, Plaintiffs voluntarily requested that Defendant Adam Williams
8 only be dismissed from the action without prejudice (Dkt No. 14.) The Court dismissed Adam Williams
9 from the action without prejudice on February 13, 2023 (Dkt. No. 17.)

10 4. As Defendants William Tree Service, Inc., and Dennis Charles Williams' deadline to file
11 a response to the Complaint was January 4, 2023 and given that the deadline has passed and that no
12 responsive pleading has been filed, Plaintiffs respectfully requested that default be entered against both
13 Defendants William Tree Service, Inc., and Dennis Charles Williams in this action. (Dkt. No. 15.)

14 5. On February 14, 2023, the Clerk entered default as to Defendant Williams Tree Service,
15 Inc. only. (Dkt. No. 18.)

16 6. On March 29, 2023, Plaintiffs respectfully requested that default be entered against
17 Defendant Dennis Charles Williams in this action. (Dkt. No. 19.)

18 7. On March 31, 2023, the Clerk entered default as to Defendant Dennis Charles Williams.
19 (Dkt. No. 20.)

20 8. Defendants were duly served with copies of the Clerk's Notices of Default Entry, and a
21 Proof of Service of same was filed with the Court on April 20, 2023. (Dkt. No. 21.)

22 9. On June 9, 2023, Plaintiffs sent Defendants a final letter informing Defendants of
23 Plaintiffs' intent to file a Motion for Default Judgment if no response is received.

24 10. On June 16, 2023, Plaintiffs' Counsel received a voicemail from "Laura" of Williams
25 Tree Service requesting a call back at the phone numbers 831-728-5500 and 831-566-1636. Plaintiffs
26 Counsel attempted to call both numbers. One number was a cell phone, and the mailbox was full. The
27 other number was the office number for Williams Tree Service. Plaintiffs' Counsel left a message with
28

the receptionist at the office number on June 16, 2023, but have not received a response to date.

11. As of the date of the filing of this request, given that Defendants have failed to respond, Plaintiffs are preparing their Motion for Default Judgment. Plaintiffs will file their Motion for Default Judgment in the next thirty (30) days.

12. There are no issues that need to be addressed by the parties at the currently scheduled Case Management Conference. In the interest of conserving costs as well as the Court's time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled Case Management Conference for approximately sixty (60) days or at the convenience of the Court's calendar to allow Plaintiffs complete and file their Motion for Default Judgment within thirty (30) days.

Respectfully submitted,

DATED: June 28, 2023

SALTZMAN & JOHNSON LAW CORPORATION

By:

/S/

Matthew P. Minser
Luz E. Mendoza
Attorneys for Plaintiffs, Operating Engineers'
Health And Welfare Trust Fund For Northern
California, et al.

IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to October 12, 2023 at 11:00 a.m. and all previously set deadlines and dates related to this case are continued accordingly.

DATED: June 29, 2023


Honorable Laurel Beeler
UNITED STATES MAGISTRATE COURT
JUDGE